

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHERINE PRUDEN,

Plaintiff,

v.

Case No. 2:18-cv-13011

District Judge Paul D. Borman

Magistrate Judge Anthony P. Patti

ENHANCED RECOVERY
COMPANY, L.L.C.,

Defendant.

**ORDER GRANTING DEFENDANT’S MOTION TO COMPEL
DISCOVERY (DE 12) AS NARROWED BY THE LIST OF UNRESOLVED
ISSUES (DE 20)**

Plaintiff filed this consumer credit case on September 26, 2018, alleging violations of the Fair Debt Collection Practices Act (FDCPA), the Michigan Occupational Code (MOC), and Michigan Collection Practices Act (MCPA). Plaintiff is represented by three attorneys at Credit Repair Lawyers of America (22142 W 9 Mile Rd, Southfield, MI 48033-6007).¹ Defendant is represented by two attorneys at Smith, Gambrell & Russell, L.L.P. (Jacksonville, FL). (DEs 3, 9.)

¹ Plaintiff’s lawsuit was filed by Attorney Gary D. Nitzkin. (DE 1 at 6.) More recently, Attorneys Mark C. Lahti and Carl Edmond Schwartz have entered appearances on Plaintiff’s behalf. (DEs 15, 17.) Each of these attorneys is associated with the above-described location of Credit Repair Lawyers of America. See www.michbar.org, “Member Directory,” last visited May 16, 2019.

Currently before the Court is Defendant's March 27, 2019 motion to compel discovery, regarding which Plaintiff has filed a response. (DEs 12, 18.) Defendant also submitted a statement of unresolved issues. (DE 20.) Judge Borman referred this motion to me for hearing and determination, and a hearing was held on May 16, 2019, at which attorneys Scott S. Gallagher and Mark C. Lahti appeared. (DEs 13, 16.) The Court entertained oral argument on the motion, after which the Court issued its ruling from the bench.

For the reasons stated on the record, all of which are incorporated herein by reference, Defendant's March 27, 2019 motion to compel discovery (DE 12), as narrowed by the May 13, 2019 list of unresolved issues (DE 20), is **GRANTED**. No later than **Thursday, May 23, 2019**, Plaintiff **SHALL** produce either full copies of her December 15, 2017 and March 3, 2018 credit reports or an affidavit that she is not in possession of any such documents. Also, in light of Plaintiff's April 2, 2019 deposition, which occurred after the instant motion was filed but before Plaintiff's April 5, 2019 supplemental answers (DE 18-1) or her May 13-14, 2019 supplemental production, Defendant is permitted to continue Plaintiff's deposition but must do so no later than **Thursday, June 6, 2019**.

Moreover, having heard the lawyers' oral argument on Defendant's request for an award of Fed. R. Civ. P. 37 costs and fees (*see* DE 12 at 4, 15-17), the request is **GRANTED**. Fed. R. Civ. P. 37(a)(5)(A). Consistent with my

statements from the bench, Plaintiff and the law firm representing her are jointly responsible for reimbursing Defendant in the amount of **\$3,730**, which consists of: (a) **\$500** for drafting the motion (2 hours at an hourly rate of \$250); (b) **\$125** for drafting the list of unresolved issues (1/2 hour at an hourly rate of \$250); (c) **\$1460** for travel (8 hours at an hourly rate of \$182.50); (d) **\$365** for preparation time (1 hour at an hourly rate of \$365); (e) **\$365** for attendance at the hearing (1 hour at an hourly rate of \$365); (f) **\$595** for airfare; (g) **\$270** for hotel (1 night in Detroit); and (h) **\$50** for meals. Payment of this amount should be made no later than **Tuesday, May 28, 2019**.

IT IS SO ORDERED.

Dated: May 16, 2019

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on May 16, 2019, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti